

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

IP INNOVATION L.L.C. and  
TECHNOLOGY LICENSING CORP.,

Plaintiffs,

v.

RED HAT, INC. and  
NOVELL, INC.

Defendants.

Case No. 2:07-cv-447 (RRR)

**Jury Trial Demanded**

**VERDICT FORM**

**Direct Infringement**

Question No. 1 Have Plaintiffs proven by a preponderance of the evidence that Red Hat directly infringed claim 1 of the '412 patent?

YES \_\_\_\_\_ (For Plaintiffs)

NO ✓ (For Defendants)

Question No. 2 Have Plaintiffs proven by a preponderance of the evidence that Novell directly infringed claim 1 of the '412 patent?

YES \_\_\_\_\_ (For Plaintiffs)

NO ✓ (For Defendants)

Question No. 3 Have Plaintiffs proven by a preponderance of the evidence that Red Hat directly infringed claim 21 of the '412 patent?

YES \_\_\_\_\_ (For Plaintiffs)  
NO ✓ \_\_\_\_\_ (For Defendants)

Question No. 4 Have Plaintiffs proven by a preponderance of the evidence that Novell directly infringed claim 21 of the '412 patent?

YES \_\_\_\_\_ (For Plaintiffs)  
NO ✓ \_\_\_\_\_ (For Defendants)

Question No. 5 Have Plaintiffs proven by a preponderance of the evidence that Red Hat directly infringed claim 8 of the '521 patent?

YES \_\_\_\_\_ (For Plaintiffs)  
NO ✓ \_\_\_\_\_ (For Defendants)

Question No. 6 Have Plaintiffs proven by a preponderance of the evidence that Novell directly infringed claim 8 of the '521 patent?

YES \_\_\_\_\_ (For Plaintiffs)  
NO ✓ \_\_\_\_\_ (For Defendants)

Question No. 7 Have Plaintiffs proven by a preponderance of the evidence that Red Hat directly infringed claim 1 of the '183 patent?

YES \_\_\_\_\_ (For Plaintiffs)  
NO ✓ \_\_\_\_\_ (For Defendants)

Question No. 8 Have Plaintiffs proven by a preponderance of the evidence that Novell directly infringed claim 1 of the '183 patent?

YES \_\_\_\_\_ (For Plaintiffs)  
NO ✓ \_\_\_\_\_ (For Defendants)

**Indirect Infringement: Active Inducement**

Question No. 9 Have Plaintiffs proven by a preponderance of the evidence that Red Hat actively induced others to infringe claim 1 of the '412 patent?

YES \_\_\_\_\_ (For Plaintiffs)  
NO ✓ \_\_\_\_\_ (For Defendants)

Question No. 10 Have Plaintiffs proven by a preponderance of the evidence that Novell actively induced others to infringe claim 1 of the '412 patent?

YES \_\_\_\_\_ (For Plaintiffs)  
NO ✓ \_\_\_\_\_ (For Defendants)

Question No. 11 Have Plaintiffs proven by a preponderance of the evidence that Red Hat actively induced others to infringe claim 21 of the '412 patent?

YES \_\_\_\_\_ (For Plaintiffs)  
NO ✓ \_\_\_\_\_ (For Defendants)

Question No. 12 Have Plaintiffs proven by a preponderance of the evidence that Novell actively induced others to infringe claim 21 of the '412 patent?

YES \_\_\_\_\_ (For Plaintiffs)  
NO ✓ \_\_\_\_\_ (For Defendants)

Question No. 13 Have Plaintiffs proven by a preponderance of the evidence that Red Hat actively induced others to infringe claim 8 of the '521 patent?

YES \_\_\_\_\_ (For Plaintiffs)  
NO ✓ \_\_\_\_\_ (For Defendants)

Question No. 14 Have Plaintiffs proven by a preponderance of the evidence that Novell actively induced others to infringe claim 8 of the '521 patent?

YES \_\_\_\_\_ (For Plaintiffs)  
NO ✓ \_\_\_\_\_ (For Defendants)

Question No. 15 Have Plaintiffs proven by a preponderance of the evidence that Red Hat actively induced others to infringe claim 1 of the '183 patent?

YES \_\_\_\_\_ (For Plaintiffs)  
NO ✓ \_\_\_\_\_ (For Defendants)

Question No. 16 Have Plaintiffs proven by a preponderance of the evidence that Novell actively induced others to infringe claim 1 of the '183 patent?

YES \_\_\_\_\_ (For Plaintiffs)  
NO ✓ \_\_\_\_\_ (For Defendants)

**Validity: Inventorship**

Question No. 17 Have Defendants proven, by clear and convincing evidence, that the patents-in-suit are invalid because of improper inventorship?

YES ✓ \_\_\_\_\_ (For Defendants)  
NO \_\_\_\_\_ (For Plaintiffs)

**Validity: Anticipation**

Question No. 18 Have Defendants proven, by clear and convincing evidence, that claim 1 of the '412 patent is invalid as anticipated?

YES ✓ \_\_\_\_\_ (For Defendants)  
NO \_\_\_\_\_ (For Plaintiffs)

Question No. 19 Have Defendants proven, by clear and convincing evidence, that claim 21 of the '412 patent is invalid as anticipated?

YES ☒ (For Defendants)

NO ☐ (For Plaintiffs)

Question No. 20 Have Defendants proven, by clear and convincing evidence, that claim 8 of the '521 patent is invalid as anticipated?

YES ☒ (For Defendants)

NO ☐ (For Plaintiffs)

Question No. 21 Have Defendants proven, by clear and convincing evidence, that claim 1 of the '183 patent is invalid as anticipated?

YES ☒ (For Defendants)

NO ☐ (For Plaintiffs)

**Damages**

Question No. 22 If you find any claim of the patents-in-suit to be valid and infringed by Red Hat, state the amount of damages, if any, in the form of a reasonable royalty you find Plaintiffs have proven by a preponderance of the evidence, including the appropriate royalty base and royalty rate to be applied, or the lump sum payment you find Plaintiffs have proven by a preponderance of the evidence.

	_____ units	Royalty Base
X (times)	\$ _____ per unit	Royalty Rate
=	\$ <u>0</u>	Damages
		<b>or</b>
	\$ <u>0</u>	Lump Sum Payment

Question No. 23 If you find any claim of the patents-in-suit to be valid and infringed by Novell, state the amount of damages, if any, in the form of a reasonable royalty you find Plaintiffs have proven by a preponderance of the evidence, including the appropriate royalty base and royalty rate to be applied, or the lump sum payment you find Plaintiffs have proven by a preponderance of the evidence.

	_____ units	Royalty Base
X (times)	\$ _____ per unit	Royalty Rate
=	\$ <u>0</u>	Damages
		<b>or</b>
	\$ <u>0</u>	Lump Sum Payment

Date: 4/30/10